THE ARMY.

Annual Report of the Secretary of War.

OPERATIONS AGAINST THE INDIANS

Repeal of the Posse Comitatus Act Recommended.

EXPENDITURES AND ESTIMATES

Details from the Reports of Department Officers.

NECESSITY FOR A LARGER FORCE.

WASHINGTON, Nov. 29, 1878. Mr. George W. McCrary, Secretary of War, has subnitted his annual report to the President. Under the head of "The Army" he says :-

It appears from the report of the General of the frmy that, according to the latest returns, received letober 15, 1878, the strength of the several arms of he service was as follows:—

Cavalry	7,829
Artillery	2,630
Infantry	11,205
Engineer Battalion	199
Permanent and recruiting parties, music boys	
and recruits in depots	1,121
Enlisted men detailed on general service	372
Ordnance Department	394
West Point detachments	190
Prison guard	71
Hospital stewards	188
Ordnance sergeants	114
Commissary sergeants	148
Indian scouts	300
G	94 761

been a source of regret that the department has no been able to employ a larger number. Under the ex-isting law, which treats such scouts as a part of the twenty-five thousand enlisted men of the army, it has been impossible to employ, of the one thousand authorized, a greater number than three hundred without impairing seriously the efficiency of the regu-lar forces. As a material aid in the management of Indian affairs. I recommend that the law he see

in addition to the number of enlisted men authorized for the army proper.

THE MEXICAN BORDER.

The increase of our force in the vicinity of the Rio Grande, and the vigorous policy which for some time has been pursued in dealing with maranders invading our soil from Mexico, have produced the result predicted in my report of one year ago. Although the people of Texas have not been exempt from these incursions during the year, and several of them have been attended by heartrending atroctices, yet they have been fewer in number than during any year for a long period, and within the past four months almost perfect quiet has prevailed. A considerable Mexican force has been sent to the vicinity of the border to operate against the bands of Indians infesting that region, and the avowed purpose of the Mexican government is to put a stop to raids upon our people and territory.

TROOPS AS A POSSE COMETATUS.

The fifteenth section of the act of Congress of June 18, 1878, provides that—
From and after the passage of this act it shall not be lawful to employ any part of the army of the United States as a posse comitatus or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the constitution or by act of Congress.

enting the laws, except in such cases and under such circumstances as such smpleyment of said force may be expressly authorized by the constitution or by act of Congress.

In my judgment it is important either that this
provision be repealed or that the number of cases in
which the use of the army shall be "expressly authorized" be very much enlarged. In many portions
of our Western Territories, and even in some portions of the newer States, a resolute desperado, with
a few followers, can defy the officers of the law and
any local posse that can be organized. Durling the year numerous attacks have been
made upon the mail coaches in New Mexico
and Arizona for purposes of robbery and
plunder; and while I have been of the opinion that
the mails of the United States may be detended by
the use of troops I have been obliged to give instructions that they cannot, without disregarding the act
of Congress, be employed to aid the officers of the
law in capturing the robbers after they have committed the crime. In doing so they would act as a
posse comitatus, and this is nowhere by law "expressly authorized." In the new and sparsely populated regions of the West, to say to robbers and
thieves that they shall not be taken on any writ unless the sheriff and his local posse is able to capture
them without aid from the soldiers, is almost to
grant them immunity from arrest. In those new
regions the army is the power chiefly relied upon by
the law-abiding people for protection and chiefly
feared by the lawless classes. Numerous instances
might be cited, but the recent occurrences in
Lancoin county, New Mexico, constitute a striking example. The insolitity of the officer is command of the troops in that vicinity to aid the
officers of the law in making arrests was one of the
principal causes which led to the most disgraceful
scenes of riot and murder, amounting, in fact, to
anarchy. This state of things continued until a case
could be made for declaring the district in insurrection, after which a pro

YELLOW FEVER SUFFERERS.

In reference to the issue of rations to yellow fever sufferers the Secretary says that while there was no statute to authorize the orders given in the premises they were not unprecedented, similar action having been taken by the government, through this departsuch precedent had been found, I think the circumstances of the case would have fully justified the

The fearful ravages of this terrible disease constid an extraordinary estamity which required that should be granted. In ordering the issues in stion, however, I thought it necessary to adopt rule for my guidance that government aid should

not be extended except in cases of great emergency and when no other mode of relief was possible, and that rule has been strictly adhered to. In addition to the issue of rations, as shown by the report of the Commissary General, tents were issued as a loan,

s follows:—
August 15—1,000 common tents to Memphis,
August 20—200 common tents to Vicksburg.
August 21—200 common tents to Grenada.
August 24—300 common tents to Memphis.
September 7—25 common tents to Natchez.
September 21—1 hospital tent to Donaldsonville.
September 21—70 common tents to Chattanooga.
Also a small supply of medicines was issued to brenada. I respectfully recommend that a joint reslution be passed by Congress approving and legalizing these issues.

Grenada. I respectfully recommend that a joint resolution be passed by Congress approving and legalizing these issues.

I would recommend to Congress the careful consideration of the question whether such emergencies in the future may not be provided for by law by conferring authority to act upon the President. If it be practicable the law should be so framed as never to leave an executive officer under the necessity of acting outside of the statutes.

APPROPHIATIONS, EXPENDITURES AND ESTIMATES.

The expenditures under the War Department for the fiscal year ending June 30, 1877, were \$2,618,888 69 less than those for the previous fiscal year, and the expenditures for the previous fiscal year, and the expenditures for the previous fiscal year, and the expenditures for the previous fiscal year of the asymmetric than the second of the second of the aggregate appropriations for 1879, and, as we shall presently see, is only an apparent increase even of that amount, since the appropriations for the current year for the support of the army seem to have been upon the basis of 20,450 enlisted men, while the number authorized by law was left at 25,450. As reduced and submitted these estimates are for a less sum of money than any annual estimates rendered to Congress from this department during a period of at least eleven years, and are \$2,727,724 91 less than those for the fiscal year 1879, which were \$43,115,443 24.

The estimates, as compiled and promulgated in the book of estimates, are divided into four classes—namely, the civil establishment, the military establishment, the military establishment, the military establishment, the fiscal year for the stablishment as light increase of approaches the support of existing neces-

lishment, the public works and the miscellaneous, and under these heads they may be briefly considered.

In the civil establishment a slight increase of appropriations is desired on account of existing necessities, which demand the employment of a large number of clerks. The present clerical force is insufficient to properly attend to and despatch the current public business of this office and of the military bureaus. Congressional calls for facts and figures cannot satisfactorily be answered, and reasonable requests for copies of records cannot properly be granted without extra hours of labor, volunteer services or appropriations for the employment of additional clerks.

The estimates for the military establishment are \$29,335,727,33, and are on a basis of 25,450 enlisted men, the force now allowed by law. These figures, compared with those for 1879, which were on a basis of 25,000 enlisted men, shows a reduction of \$2,261,543,35, which occurs principally in the Quartermaster's Department; and compared with the appropriations for 1879 (in the aggregate \$25,336,117,18), which, as undertsood at this department, were on a basis of 20,450 enlisted men, exhibit a difference of only \$3,399,610 15 between the amount of the present estimates and the amount of appropriations for the current fiscal year. These estimates, if rendered for the increased number of men on what is regarded as the basis of the legislative allowance for 29,450 enlisted men for 1879, would be for about \$32,420,146,47. The estimates for public works are \$7,670,981,30, the same being \$282,096 46 less than those for 1879, and \$1,814,493 70 less than the amount appropriation and other works of defence," and "Harbors and rivers."

In order to continue operations on fortifications and other works of defence, during the first learn of the proper of the proper

ences between the estimates and the appropriations under this head appear in the titles "Fortifications and other works of defence," and "Harbors and rivers."

In order to continue operations on fortifications and other works of defence during the fiscal year of 1876 appropriations amounting to \$815,000 were made in 1875. Since that time estimates for upward of \$2,000,000 have been rendered to Congress each year, but no greater appropriation than \$150,000 per annum has been made for such works. In view of these facts the estimates for 1880 have been reduced from \$3,188,400 to \$1,000,000, which sum, if wisely allotted, can well be applied to improve some of the important works of public defence and preserve them from waste and ruin.

RIVERS AND HARBORS.

In connection with the reports of examinations and surveys of rivers and harbors, made by order of Congress since July 27, 1868, this department prepares and submits to Congress full statements of all existing-facts tending to show to what extent the general commerce of the country will be promoted by such examinations and surveys (see sec. 231, R. S.) These statements necessarily include estimates to continue all works once commenced under legal authority and remaining unfinished for want of funds. The annual estimates submitted to Congress for the improvement of rivers and harbors have thus become largely in excess of the appropriations obtained for the works; as, for 1876, on \$13,504,500 submitted, \$6,643,517,50 were granted; for 1877, on \$14,301,100 reported, \$5,015,000 were allowed; and for 1878, on \$13,720,100 suggested, nothing was appropriated. The estimates for 1879, compiled by the Chief of Engineers, in order to show full statements of all existing facts relative to these works of improvements, were rendered for \$13,302,600, but were reduced by me to correspond with the aggregate appropriation for han the estimates as revised for 1879, and the reduction is based on the belief that \$5,015,000 was fine estimates for rivers and harbors for 1880 was \$15,0

REPORT OF THE QUARTERMASTER GENERAL.

The Quartermaster General reports that during the fascal year the requisitions from his office for payments and remittances by the Treasury, on all accounts, amounted to \$12,792,603 50. Of this amount \$748,749 30 was, during the year, under the law of 30th June, 1874, evered into the Treasury to the credit of the surplus fund. The balance undrawn in the Treasury at the end of June, 1878, was \$1,529,095 92. The department moved during the year 79,260 passengers, 11,400 beasts and 109,261 tons of military material.

The operations of the department are embarrassed by the action of Congress relating to land grant railroads, to none of which can money be paid until the conclusion of a suit before the courts.

There are still in the Quartermaster General's Office about twenty-four thousand claims and accounts unsettled, calling for payment of \$13,000,000; also many claims which have been rejected, and which, as the Third Auditor can no longer provide fireproof space for their custody, remain in the Quartermaster General's Office, a very unsafe building, one in which a fire, once under way, would make such rapid progress that but a small portion of its contents could escape destruction. REPORT OF THE QUARTERMASTER GENERAL.

once under way, would make such rapid progress that but a small portion of its contents could escape destruction.

REPORT OF THE CHIEF OF ENGINEERS.

The report of the Chief of Engineers states that work upon our sea coast defences, owing to the lack of appropriations, has been limited to the care and preservation of the works. The system governing the construction of our works of defence was elaborated and adopted in 1869, the main features of which are the use of heavy earthen barbeite batteries, protected by high traverses, and arranged for guns and mortars of large calibre, to be supplemented in the future by guns of the heaviest modern calibre, and of obstructions in the channels (mainly electrical torpedoes) to prevent vessels from running past the batteries. The Chief of Engineers now recommends, in addition to completing the open batteries already partially constructed, the conversion of some of our casemated forts for the reception of guns of the largest calibre behind armor plates of iron. The trials and experiments with the torpedo defence have continued at Whilett's Point with satisfactory results. The Battalion of Engineers, under the law reducing the army, has been fixed at 200 enlisted men. This number, in the opinion of the Chief of Engineers, is too small for the efficient performance of the duties required of them. If a war should be seriously felt; and it is submitted whether the needs of this branch of the service may not justify a minimum organization for the battalion of not less than 520 enlisted men. For the torpedo service alone that number is requirised. The battalion of not less than 520 enlisted men. For the torpedo service alone that number is requirised. The duty requires an intelligence and training which cannot be supplied in an emergency. In the event of an increase in the battalion, as Trecommended, considerable detachments therefrom can be advantageously employed in time of peace in the surveys under the Engineer Department, and especially in the appropriations contained in th

pais, fean., to Austin, Miss. Detailed charts Nos. 1, 2, 3, 4, 5, 6 and 7 or the river have been completed.

THE WHEKLER SURVEY.

The systematic survey of the territory west of the found meridian, which has been for several years prosecuted under the direction of the Chief of Engineers, by the officers of the corps of engineers and other officers of the army, has been carried on during the last faceal year in California, Oregon, Nevada, Utah, Colorado, New Mexico and Tetas. The area surveyed and mapped since its commencement has aggregated more than 30,000 equare miles. The topographical maps, which are the most important and useful result of this survey, are regularly published and become at once available tor the uses of the War Department and the other branches of the government service, for the settlers of our public lands, and for incorporation into school atlases and other maps for popular use published by private enterprise. Its organization is complete and in excellent condition for carrying on its work rapidly and economically, and it is hoped that the full amount of appropriation

asked for by the Chief of Engineers for the next fiscal year will be granted by Congress.

After a detailed description of the work at the

South Pass of the Mississippi River and the amount of payments made the Secretary says:-

The epidemic of yellow fever reached Port Eads about July 26, and although its ravages did not begin during the last fiscal year it is well to state that the fever became so severe about August 6 that it was thought necessary to suspend active operations at the jetties until the fever had disappeared. The earlier portion of the low water season, during which the work of construction is most easily and economically conducted, has therefore been lost by Mr. Eads; and as it became necessary to allow those of the United States engineer party under the inspecting officer who were not thoroughly acclimated to leave the vicinity, the regularity of detailed reports has been necessarily interrupted.

ARPORT OF THE CHEEF OF ORDNANCE.

The report of the Chief of Ordnance gives a full history of the principal operations of the Ordnance Department during the year. The erection of buildings at the Rock Island Arsenal has been prosecuted astisfactorily under the efficient supervision of Major Flagler. Ordnance depots have been established at Fort Abraham Lincoln. Fort Leavenworth and Cheyenne. Attention is called to the great importance of increasing the appropriation for the manufacture of small arms. On the 1st of October there were in store as a reserve supply only 22,856 arms of the latest model. The moral effect of a large supply of these arms cannot be overestimated. To be prepared for immediate hostilities is regarded as a great power which must enter largely as an important factor in the determination of international questions which may or may not lead to war. In accordance with the act of Congress approved November 21, 1877, a board of officers was convend, by order of the Secretary of War, for the purpose of recommending a magazine gun for the military service. All persons interested in magazine guns were invited to submit samples and appear in person. The report of the Board is submitted with that of the Chief of Ordnance. It recommended the Hotchkiss gun, and, upon the recommendation of the Chief of Ordnance. It

the country, secreted himself, or for any other reason shall not have been amenable to justice within that period.

REPORT OF THE INSPECTOR GENERAL.

The report of the Inspector General shows that he and his subordinates have discharged their duties with ability and zeal. Their inspection has established the fact that the commissioned officers, as a general rule, are temperate, zealous, attentive to their duties and not addicted to vicious or hurtful habits. The opinion is expressed concerning the rank and file that we have never had a finer body of men in service than at this time. The instruction in drills and other military exercises has been much interrupted during the year, owing to the reduced state of the companies, the exceedingly small garrisons and the large amount of labor necessarily imposed upon the men in building, repairs, care of public property, &c. Proper attention has been given to discipline, and it is reported as excellent. The Inspector General reports that the military prison at Fort Leavenworth, Kan., established under the act of May 21, 1874, is now in successful operation. The officers assigned to duty with it are competent and faithful in the discharge of their duties, and the convicts are properly governed and employed, while at the same time they are treated with humanity and kindness. On the 20th ult. there were 373 military convicts confined in this prison.

All the shoes required for issue to the troops are now fabricated by the convicts at the prison, and are of excellent quality. Indeed, it is said by many officers that we have never before had as good an article in our army, and as soon as the additional shops now in process of erection are completed many other articles now purchased from citizens can, it is believed, be manufactured to better advantage there. At the same time a large number of men would be instructed in useful mechanical occupations that would tend to make them better qualified for self-support and better citizens when they are discharged.

The Paymaster Gene

titled to be transported free," and he states reasons for this request which seem to me entirely satisfactory.

I invite attention to the recommendation of the Psymaeter General that such legislation be had as will require that vacancies occurring in the Psy Department be filled by appointment from the captains of the line or from those who have served as additional paymasters.

I also make special reference to that officer's renewed recommendation for the establishment of the annuity scheme, which was approved in my last report, as well as by the President in his Annual Mesage. Upon a reconsideration of the subject I am still disposed to give it my emphatic approval.

The other recommendations of the Psymaster General, all of them apparently wise and judicious, are commended to the attention of Congress.

REPORT OF THE SURGEON GENERAL.

The Surgeon General reports the total number of deaths in the army during the year, from all causes, at 256, or about twelve in one thousand. Of these, 121 died of disease and 135 of wounds, accidents and injuries. The removal of garrisons from threatened points, although in some instances deferred later than prudence would dictate, has saved the army from any scrious losses during the prevalence of the dreadful epidemic of yellow fever which has proved so fatal this year among the citizens of the Southern States.

The record and pension division of the Surgeon

so fatal this year among the citizens of the Southern States.

The record and pension division of the Surgeon General's Office has been called upon for information as to the cause of death of deceased soldiers in 21,074 cases, being rather more than an average number. There remained on file and unanswered at the end of the previous year 18,697 cases, so that the total number of cases to be searched during the year was 39,771. Search was made and replies furnished to the proper authorities during the fiscal year in 22,927 cases. At the close of the fiscal year 16,844 cases remained unanswered.

In the division of surgical records a large number of very interesting and complete reports were received during the past fiscal year from medical officers of the army serving on the frontier with froops engaged in Indian hostilities on various matters connected with army surgery; but perhaps no subject received such careful attention as that of conveying the sick and wounded from the field of battle to points of safety, and many were the devices that suggested themselves to practical officers to make the journey as comfortable as possible to the patients intrusted to their care.

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UNION AND CONFEDERATE WAR RECORDS.

The records of the war of the rebellion, both Union and Confederate, are under the charge of the Adjutant General of the Army. The work of preparing these for publication is under charge of Colonel Robert N. Scott, United States Army, to whose report I invite attention. The work of collecting reports of battles by Union commanders, which were not originally forwarded to this office, has been unremittingly prosecuted since the close of the war, and a very large number has been added to the files through the medium of correspondence. There are yet some important reports missing, but hopes are entertained of procuring them. The Confederate records obtained in Richmond at the time of its capture were brough there in 1855, and have been carefully arranged. The agent recently appointed by me, Guneral Marcus J. Wright, has been assiduously and successfully engaged for the past five months in procuring interesting papers relating to that side. Through a caucid and liberal understanding with the Southern Historical Society, as well as with several other possessors of such papers, this department is daily adding to its material for a history of the war. The department is now ready to transmit to Congress a considerable amount of matter systematically arranged, so soon as

commencement in the latter direction I should the following plan would generally be thought the best:—
That the Secretary of War be authorized and directed to submit to Congress, at his early convenience, the reports of military operations and battles, arranged according to the judgment of the compiler as approved by the Secretary of War.

That \$\frac{1}{2}\$— be appropriated to print —— copies for distribution to libraries, &c., by members of Congress, and —— copies for the President of the United States and the executive departments of the government, to be distributed by the Secretary of War; and —— copies to be soid by the public printer, at a small advance on cost price, at private sale, the proceeds of such sales to be available for the prosecution of the work of collecting and preparing other records for publication.

That \$\frac{1}{2}\$— be appropriated to continue the work of collecting and preparing the material for further publications under the direction of the Secretary of War.

That the Secretary of War be requested to submit to Congress plans for future publications as soon as prepared.

The Engineer Department has published a series of topographical maps from actual surveys of the various battle fields, upon which are marked the positions of the two armies. These are by themselves a history of the war of no ordinary value and interest. Coupled with the battle reports now ready for publication they would present all that could be obtained or asked. This would immediately satisfy the ardent desire of the public, for which it has been impatiently waiting for years. The correspondence, telegrams, &c., could follow with little delay.

REPORT OF THE CHEF SIGNAL OFFICER.

The Chief Signal Officer reports that the established course of drill and instruction in military signalling and telegraphy, meteorology and the signal service duties at stations of observation and report, together with the drills of the Signal Corps with arms, has continued at the school of instruction and practice at Fort Whipple, Virginia. The officers of the signal service pass the course of drill and instruction, and serve regularly at the post of Fort Whipple before being put upon any other duty. It is recommended that all officers of the army intended to be instructed as acting signal officers, or to be temporarily instructors in geographical military departments for the field duties of the signal service, be here instructed before being put upon detached duty. There have been instructed during the year ninety-six men as assistant observers and eighteen for promotion to the grade of sergeant. The wise legislation of the act approved July 20, 1878, permanently organizing the enlisted men of the signal corps, providing 150 sergeants, 30 corporals and 270 privates, has been and will be productive of good results. It has done away with annoyances and embarrassments inevitable without it. It has fixed the service on an honorable footing, and opened a career, of which they are proud, to the best class of young American interesting the fluctuation of the signal service and promised reward so long and earnestly sought for. Until the

the care of officers and causes.

The co-operation of scientific men at home and abroad has been continued. It has made a world wide study possible. The popular support and the support of the press have been steady and considerate. There is the assurance of success in achieving a public good to follow earnest labor.

The Secretary refers to the annual reports of the major general commanding the Military Academy at West Point, and of the Board of Visitors, which as-sembled at the examination in June last, and says:—

sembled at the examination in June last, and says:—
I concur with the commanding general in his commendation of the system of competitive examinations now so largely used to determine the selection of candidates for appointment from Congressional districts, which is indirectly but powerfully working to improve the school system of the State. I also concur in a proposed partial revision of the scademic system. But I am not at this time in favor of advancing the qualifications for admission or the grade of theoretical studies at the Academy. It would serve to exclude many young men of sufficient capacity for the ordinary military duties without adding a necessary element of usefulness in their performance. I would rather drop out certain subjects, to give time for the study of others more practically useful.

The question of admissions at the September term

useful.

The question of admissions at the September term is within the discretion of this department, and will be duly considered.

I specially commend for favorable action the recommendation for sufficient appropriations to procure an adequate supply of water at the post, in connection with the all important subject of sewerage and also to complete the hospital. From personal examination last summer I am persuaded that their importance to the health of the officers and cadets is not overstated.

ance to the health of the officers and cadets is not overstated.

The gratifying opinion is expressed by the Board of Visitors, as a "general result of investigation," "that there is at least one public institution in the United States of which it can be truly affirmed that the more it is investigated the better it appears, and for the direct administration and control of which no person is believed to have been selected for any other reason than fitness to discharge the trust connede to him." This is the keynote to the candid and liberal view exhibited throughout the report, which should commend it to the careful notice of Congress, while it should also inspire in the country at large the confidence in our Military Academy which it has fairly won and fully deserves.

GEORGE W. McCRARY, Secretary of War.

REAL ESTATE.

The following sales were made on the Real Estate

of land, 51.1x10.8, n. s. of West 89th st., 550 ft w. of 4th av., to plaintiff.

FY L. J. AND L. PHILLIPS.

John H. V. Arnold, referee—Forcelosure sale of the three story brick building, with lot 17.8x10.33, No. 542 East 13th st., s. s., 130.3 ft. w. of av. B. to plaintiff.

FY E. A. LAWRENCE.

Hamilton Morton, referee—Forcelosure sale of the four story brick dwelling, with lot 21x38.9, No. 44 West 32d st., s. s., 128.10 ft. e. of Broadway, to plaintiff.

plaintiff.

Charles Price, referee—Forcelosure sale of four story brick building, with lot 16x55.4, No. 393.

East 34th st. n. s., 52 ft. c. of 2d av. to plaintiff.

Also, similar sale—feorge W. Wingate—referee, of a two story frame stable, with plot of land 186.11x

150, on Boulevard, n. w. corner of 151st st., to plaintiff.

159. on Boulevard, n. w. corner of 151st st., to plaintiff.
E. Sibley, referee—Foreclosure sale of the five story brick building, with lot 250,100, No. 397 East 46th st. n. s., 125 ft. e. of 24 sv., to plaintiff.
Also, similar sale—James Witey, referee—of a three story frame building, with three lots, each 25x 100, 10, No. 500 East 116th st., n. s., left. e. of av. A. also a low otory frame saleh, with two lets, each 25x100, to on the s. of East 117th st., 123 ft. e. of av. A. to Nermas Andrews.

OFFICIAL BEAL ESTATE TRANSFERS. The following is a statement showing the real estate ber 29, 1878:-

transactions recorded in the Register's office November 29, 1878;—

3d av., c. s., 60.5 ft. n. of 56th st., 20x80; David Levy and wife to Nathan Abrahams.
Delancey st., s. s., 67.6 ft. c. of Allen st., 20x80; same to same.

48th st., s. s. 84 ft. w. of 68th av., 21x100.4; Edward M. Voorhoes and wife to Annie E. Crissey.

20,000 Willis av., 80 ft. n. of 146th st., 75x18.6 (25d ward); Tobias Stark and wife to Frederick Stark.

500 Sth. av., s. corner of 44st st., 12x38.4; Joseph Douglas to William J. Syms.

45th st., s., s., 50 ft. w. of av. A., 74x35.237.2; Evelina H. Vondersmith and bushand and others to Peter Scheuermann and others to Peter Scheuermann and others.

18 1813a P. Freeman and others to same.

Av. C., e., 68.2 ft. n. of 9th st., 25 11x81; Joseph Pfannenschiag and wife to Charles Loecher.

Washington square. East, n. e., corner of 4th st., 56.3x100; A. L. Sanger treferees to Amos R. Em., 11,000 Washington square. East, n. e., corner of 4th st., 56.3x100; A. L. Sanger treferees to Amos R. Em., 31,000 Hith av., n. e. corner of 105th st., 100x100 H; also Broadway, n. w. corner 105th st., 100x100 H; also Roadway, n. w. corner of 105th st., 20x100; B. C. Chetwood (refereo) to James McCorniek.

2d av., e. s., 80.5 ft. s. of 4th st., 20x18; Jefferson M. Levy (referee), to Louis Cowen.

11th av., w. s., 25.11 ft. n. of 105th st., 50x100; B. C. Chetwood (refereo) to James McCorniek.

24 av., e. s., 80.5 ft. s. of 4th st., 20x10; Jefferson M. Levy (referee), to Louis Cowen.

11th av., w. s., 25.11 ft. n. of 105th st., 50x100; B. C. Chetwood (refereo) to James McCorniek.

24 av., e. s., 80.5 ft. s. of 4th st., 20x25; also 7th av., s. w. corner 54th st., 25.1x80; also 58th st., n. s., 415 ft. e. of Broadway, 25x100.5; B. Reitly (Sheriff) to James W. Phyfe.

Lewis st., No., 122; also East Houston st., Nos. 472, and 100 ft.

Kenne, Anna U., to the Emigrant Industrial Savings Bank, n. s. of Madison st., c. of Montgomery St. is 5 years. Keane, Anna C., to the Emigrant Industrial Savings Bank, n. so of Madison st. e. of Montgomery st.; 5 years
Mingay, James B. and wife, to the North River Insurance Company, No. 130 Waverley place; 1 year.
Minley, John M., to Adam A. Kramer, s. w. corner of 11th av. and 60th st.; to secure
Oppenheimer, E., to H. A. Cram, s. s. of 55th st. e. of Madison av.; 1 year.
Perry, George R., to Arro Fowler (administrator, Ac., e. s. of Washington av. (24th ward); 3 years.
Price, James and wife, to the Emigrant Industrial Savings Bank, s. s. of 65th st. e. of 36d sv.; 1 year.
Regan James and another, to J. Feeban, No. 65 East 124th st., 5 years.
Schmidt, Henry and wife, to Johanna Strauss, n. s. of 3d st. w. of 1st av.; 5 years.
Schmidt, Henry and wife, to Johanna Strauss, n. s. of 3d st. w. of 1st av.; 5 years.
Tyler, Luzie A. and husband, to the Equitable Life Assurance Society of the United States, e. s. of Madison av. n. of 124th st.; 1 year.
Whiting, James R. and others, to the Mutual Life Insurance Company, Nos. Sb, 22 and 54 Bowery; 1 year.
Wolfenstein, Philip and wife, to the United States
Trust Company, Nos. 30, 82 and 54 Bowery; 1 year.
ASSIGNERSTS of NOMETAGES.
Berrian, Anna L., to Mary J. Hyer.
Betts, George F. (executor, &c.), to Mary A. Williamson
Douglas, Amanda B., to Abbie J. Hanck.

1,000

Betts, Goorge F. (executor, &c.), to Mary A. Williamson.
Donglas, Amanda B., to Abbie J. Hanck.
Edwards, Walter and others (trustees, &c.), to G.
Foster.
Germania Life Insurance Company to Henry Grinnell.
Hall, William and sons, to Julius Kalsenborg......

THE COURTS.

IMPORTANT QUESTION OF PLEADING.

In the Court of Common Pleas, before Judge Larre more, one Purvis sued George Cox to wind up their partnership in the cork business, Purvis claiming that his partner owed him several thousand dollars. To this Cox answered that he had none of the part nership funds and that Purvis was indebted to him for services rendered to the extent of \$4,500, for which he claimed judgment. Mr. A. H. Reavey, counsel for the plaintiff, interposed a demurrer to the claim for services, and argued that under the new code no counter claim could be interposed to an action in equity, and that as it was not claimed that the claim for services arose out of the partnership business the defendant was left to his remedy of suing for it in another action.

Mr. Breeden, for the defendant, argued that the plaintiff's cause of action was upon contract, and as the defendant's counter claim was also upon contract it was properly pleaded.

Judge Larremore overruled the demurrer and was of opinion that, owing to recent decisions of the Court of Appeals to the effect that a counter claim could be pleaded in many cases not heretofore allowed, he was constrained to stretch the rule to include the ples in this action. nership funds and that Purvis was indebted to

William T. La Rue, a member of Company I, of the Eighth regiment, was court martialed for failing to attend drills. His fines aggregated \$14, and he was attend drills. His fines aggregated \$14, and he was adjudged to pay a penalty of \$29 besides. Failing to pay up he was imprisoned in Ludlow Street Jail. He yesterday obtained from Judge Lawrence a writ of habeas corpus to obtain his discharge, claiming that his commitment was illegal and that he has had no opportunity to defend himself.

Rowland N. Hazard and John C. Hazard have brought a suit in the Supreme Court against John B. Caswell and William M. Massey, to restrain the defendants from using the old name of Caswell, Hazard & Co. and the phrase "Established in 1780." Judge Westbrook, before whom the case was argued, granted the injunction.

FRAUDS ON THE GOVERNMENT.

SUPERVISING ARCHITECT POTTER CHARGED WITH CONSPIRING TO DEFRAUD-CONGRESSMAN CLARKSON N. POTTER BECOMES HIS BONDS-

conspiring to defraud in the erection of the federal building at Chicago, was brought before United States Commissioner Osborne, yesterday, on a war-rant of removal, by Deputy Marshal Stillwell, of the Chicago District Court. The defendant was accompanied by his brother, Congressman Clarkson N. Potter, and his nephew, James P. Lowery. Mr. Clarkson N. Potter became surety in \$5,000 for the appearance of his brother, and he, with the defendant, went before Judge Choate, in the District N. Potter, who was anxious to get through with the proceedings as quickly as possible, signed the bail bond in blank, and it was afterward perfected by Commissioner Osborne.

The defendant is an ex-supervising architect of the

Commissioner Osborne.

The defendant is an ex-supervising architect of the Treasury Department, and, according to the indictment found by the Chicago federal Grand Jury, a copy of which Marshal Stillwell produced, it is charged that John M. Muller, A. G. Mills, James G. Hill, Edward Burling, George C. Prussing, William A. Potter, George Reed and A. C. Wheaton were parties to the alleged conspiracy. Muller was stone contractor, Mills first assistant in the architect's office, Hill supervising architect, Burling superintendent of construction, Prussing assistant superintendent, Reed foreman and Muller assistant in the early days of the contract; and Wheaton was stone inspector. It also alleges that the defendants conspired on the last of September, 1876, to defraud the government of \$550,000 on account of stone furnished by Muller in the building of the new Court House; that the frauds were committed on the contracts for stone, for hauling and labor. The character of the fraud is then set forth and it is alleged that in the stone contract the defendants claimed and obtained from the United States payment according to "stock" measurement, when the contract really called for "net" measurement, thus fraudulently obtaining about \$25,000 from the government. In the sawing department it is alleged that there was a fraud upon the government of \$125,000, and that the defendants received that amount beyond that to which they were entitled. That Muller and Mills, on the 10th of September, 1876, caused to be presented to the Secretary of the Treasury and the Collector of Customs of Chicago the bill for the stone, and that Hill, Burling and Prussing certified and approved such bill. The indictment further alleges fraud to the extent of \$650,000 on the labor contract, and \$50,000 on the hauling contract.

MHAT MR. FOTTER SAYS.

Mr. Potter, in an interview with a Herallo reporter, stated that he resigned his position as supervising architect on the last day of July, and that such resignation was accepted; that the offence whic

LAND-HAPPY TERMINATION OF A TRIAL IN THE GENERAL SESSIONS.

A young man named Frank Walton, a stepson of a employed as a clerk in the establishment of Messrs. Cooper & King, at No. 101 Franklin street, about three years ago, He lunched at a neighboring restaurant, where Miss Augusta Hiller, a tidy and prepossessing waitress, tripped cheerfully through the room, the style of her neat little white cap alone being perfectly irresistible. Falling in love with the bright young woman resulted in the trial of Mr. Walton in Part 1 of the Court of General Sessions, before Judge Sutherland, on a criminal charge, the allegation being that he had betrayed her under promise of marriage. The testimony was generally regarded as conclusive and the case was to have been submitted to the jury yesterday morning. The court was crowded, it being understood that Mr. Charles W. Brooke would sum up for the accused. His eloquence, however, was confined to a consultation with Judge Sutherland, who, evidently pleased with Mr. Brooke's communication, told the jury that a recess must be taken until one o'clock, as he expected a very important development in the case. The mystery was the subject of general comment, and presently rumors were afloat that a marriage ceremony was in prospect and that the course of true love would run smoothly after all.

UNITED IN WEDLOCK.

A rush was made toward the office of Mr. Sparks, the clerk of the court, but those not directly concerned in the case were not admitted. Judge Sutherland was seated with characteristic composure behind the rails in one of the easy chairs, and there were also present Assistant District Altorneys Rollins and Herring, Mr. Edward Hall, Mr. Brooke and others, the prominent figures being Miss Hiller and Mr. Walton. Mr. Sparks summoned the young woman and her coming lord to the desk, where they answered the usual questions necessary to be incorporated in a sivil marriage. Judge Sutherland performed the service with grace and dignity. Mrs. Walton, suffused with tears and elasping her little boy to her bosom, was then handed her marriage certificate.

CONGRATCIATIONS.

Her good parents were in attendance, and the father, overjoyed at the scene, congratulated his pretty daughter. He presented his hand to his sonin-law, who, being in somewhat of a haughty mood, refused to clasp it. When the court reassembled Mr. Brooke intimated tha the room, the style of her neat little white cap alone being perfectly irresistible. Falling in love with the bright young woman resulted in the trial

STRUGGLING FOR FREEDOM.

Patrick Lynch, a tramp, was arrested on Thursday night while effecting an entrance to the stable of James W. Blay, on Jersey City Heights. When taken to the Fourth precinct police station the prisoner made a desperate attempt to escape. Breaking away from Patrolman White he knocked over Captain Lennon and grappled with Detective McHorney, who threw him to the floor. Lynch, finding himself fas-tened to the floor, bit McHorney in the leg. He was finally subdued and locked up. Yesterday Judge Davis committed him for trial on a charge of breaking and entering. 4,000 6,000

FINANCIAL AND COMMERCIAL.

The Stock Market Active and Generally Strong.

GOLD 100 1-8 A 100 1-4.

Government Bonds Firm, States Higher and Railroads Strong.

MONEY ON CALL EASY AT 3 A 3 1-2 PER CENT.

Yesterday's good cheer seems to have further expanded the cockles of the taurine heart, especially as its sympathies were directed toward the North-westerns, for in these securities was the chief in-terest of the day concentrated. After a fractional fall early in the morning there followed in these stocks a a rally, sharp, vigorous and well sustained. It was threatening enough to drive the smaller bears into fits, but it made little or no impression upon the case hardened grizzlies of larger growth who are short of the stock. So it would appear that the Northwesterns were advanced to-day, not by reason of a clamorous demand upon the part of shorts who feared a squeeze, but from the persistent buying of the bull party, whose absorbing powers seem to have no limit. While the general advice to inquisitive specu-lators is to "go in and win" the speculation itself is not clapped on the back by any additional incentive

of the road and the same predictions of an "incarna-tion of fat dividends" to come are the stimulants employed. As an arrière pensée there may be some hope of cornering Messrs. Gould and Sage and some hopes of receiving an unexpectedly large divithe upward movement rests upon the improving condition of the road itself. During the last hour prices receded a trifle and the stock had a tired look, as though the speculation, like the road itself, had been overworked in trying to produce a good impress upon buyers. Nearly as strong as the Northwesterns were the St. Pauls, for no other reason, apparently, but that they hailed from the same country side and desired to appear neighborly. Illinois Central sank away two per cent from opening prices, but recovered half of the loss at the close, while, on the contrary, Wabash rose nearly two per cent at one time

dage that "two of a trade never agree." For most of the day the coal stocks were on the weak side of the line of steadiness, but in the last hour or two some desire was manifested for "cash" shares of Delaware and Lackawanna, and this being construed as an evidence of a large short interest the price was bid up to three-quarters per cent above that of the opening. The Hannibal and St. Joseph speculation was weaker—the deus ex machina which has lately manipulated the stock apparently not being in working order to-day. Lake Shore, after advancing from 69½ to 70½, got its usual tumble and fell off to 69¾. Its friends, though loud in commendation of its excellent qualities, seem gifted with no better luck than Sisyphus in their endeavors to roll narket was barren of reports and rumors, and, with the exception of Northwest, the general list re-

The opening, highest, lowest and closing prices of stocks and gold at the New York Stock Exchange

The closing quotations at three P. M. were The total sales of stocks at the Board to-day aggre-

gated 209,152 shares, which were distributed as folows:-Western Union Telegraph, 5,500; Pacific Mail, 100; Erie, 2,435; Lake Shore, 24,930; Union Pacific, 200; Illinois Central, 1,335; Northwestern, 24,300; bus, Cincinnati and Indiana, 500; New Jersey Central, 4,510; St. Paul, 16,000; St. Paul preferred, 8,800; Wabash, 4,855; Ohios, 200; Lackawanna, 56,455; Morris and Essex, 4,450; Hannibal and St. Joseph, 1,185; Hannibal and St. Joseph preferred, 3,250; Delaware nd Hudson, 2,900; Michigan Central, 510.

Money on call was easy at 3 a 3 1/2 per cent, and closed at the former rate. The following were the rates of exchange on New York at the undermentioned cities:- Savannah, buying at par, selling % a % premium; Charleston, scarce at 3-16 a %, bank, %; St. Louis, par; Chicago, weak, 75 a 100, and Boston, 25 premium. Foreign exchange was weak, with actual usiness at 4.81 a 4.81 % for bankers' long, and 4.85% a 4.86 for demand sterling. Gold advanced from 100% to 100% at which price

The clearing house statement was :-
 Currency exchanges
 \$84,960,088

 Currency balances
 3,329,373

 Gold exchanges
 11,054,037

 Gold balances
 1,070,736
 -and the gold clearings at the National Bank of the

the market closed.

amount marketed \$924,819. The total imports of dry goods since January 1 were \$69,742,382, and the total Government bonds were firm and closed at the fol-

lowing quotations:-

107% 100% 104% 104% 106% 100% 100% 100% 100% 100% The London advices report very little change in consols and American securities as compared with the closing quotations of Wednesday. Consols were quoted at 26 a 26% for both money and the account. United States 414's at 10634, 1867's at 10834, ten-forties at 10074, fives at 10834, Eric at 1034, Eric preferred at 32%, Illinois Central at 79% and Pennsylvania at 33%. New Jersey Central and Reading were down 1 per cent, selling at 31 and 1234 respectively. To-day is

[CONTINUED ON NINTH PAGE 1